



County of Los Angeles  
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August 31, 2007

To: Supervisor Zev Yaroslavsky, Chairman  
Supervisor Gloria Molina  
Supervisor Yvonne B. Burke  
Supervisor Don Knabe  
Supervisor Michael D. Antonovich

From: William T Fujioka  
Chief Executive Officer

**SACRAMENTO UPDATE**

**Governor Signs SB 81 (Public Safety Budget Trailer Bill) - Juvenile Justice Reform**

On August 24, 2007, the Governor signed SB 81 (Chapter 175, Statutes of 2007), the Public Safety Budget Trailer Bill. This update constitutes our final report on Juvenile Justice Reform as requested by your Board at its meeting of June 5, 2007.

**Major Provisions**

Critical elements of SB 81 include: (1) county's retention of non-violent juvenile offenders, (2) county's option to "opt-in" and return non-violent juvenile offenders currently in State custody to local jurisdiction, (3) authorization of State block grant funding to offset additional county costs for these offenders, (4) requirement to issue an annual plan to address the needs of juvenile offenders, and (5) appropriation of \$100 million to improve local juvenile facilities. The effective date of these changes is September 1, 2007.

SB 81 would prohibit the transfer of juvenile offenders not covered by Welfare and Institutions Code Section 707(b) to State jurisdiction. Non-707(b) wards that violate parole and have their parole revoked by the parole board will be returned to counties for supervision. Under the provisions of the bill, counties would be able to request the

return ("opt-in") of non-violent juvenile offenders currently residing in State facilities. SB 81 provides a clarification of the process for counties to retain juvenile offenders who reach 18 years of age and require the County to receive State approval to house these older offenders in a local facility. Counties would be required to prepare a comprehensive Juvenile Justice Development Plan by January 1, 2008, that includes a description of the programs, placements, services and strategies to be funded through the block grant allocation. SB 81 requires the State to approve these plans.

### **Funding to Counties**

The State would appropriate \$117,000 through a block grant allocation for each ward not sent to one of its facilities. In addition, \$15,000 would be appropriated for each parolee no longer under State jurisdiction. These funds would be allocated by the State to counties based on a combination of its juvenile population and its juvenile felony adjudications. The formula also includes a minimum grant of \$58,500 per county.

Consistent with our Sacramento Update of June 28, 2007 and based on preliminary information from the Chief Probation Officers of California, the County is estimated to receive:

- \$ 5.5 million in FY 2007-08
- \$18.7 million in FY 2008-09
- \$23.8 million in FY 2009-10

This revenue would be enhanced by a cost avoidance of \$300,000 to \$500,000 in FY 2007-08, increasing to an estimated \$1.0 million in FY 2008-09 and \$1.25 million in FY 2009-10. The cost avoidance is a result of the County no longer having to make payments to the State to house its juvenile offenders in a State detention facility. The bill also would provide \$100 million in bond funding for the improvement of local juvenile detention facilities. Counties using this provision would be required to provide a 25 percent match.

### **Governor's Concerns**

In his signing message accompanying SB 81, the Governor indicated that certain roles and responsibilities assigned to the Corrections Standards Authority (CSA), including approval of local facilities for the purpose of housing juvenile offenders between ages 19 and 21 within 30 days of county notification, and review and approval of counties' Juvenile Justice Development Plans by January 1, 2008, need further clarification and should be the subject of clean-up legislation. Specifically, the Governor questioned whether CSA should have an approval role in either situation, has the resources to meet the requirements, and can act within the specified timeframe.

It is our understanding that the Chief Probation Officers of California and the Administration are working on clean-up legislation which will be taken up prior to the Legislative recess.

### **Governor's Veto of Planning Funds**

The Governor vetoed \$14.9 million in planning grants that were part of the original package approved by the Legislature. These funds were to assist counties in accommodating the needs of the new juvenile offender population. This funding was proposed in two parts: (1) one-time planning grants in the total amount of \$4.9 million, and (2) a competitive grant of \$10 million. The planning grant would be allocated to counties based on population. The counties with the largest population, including Los Angeles County would receive \$150,000. Medium size counties would receive \$100,000. The smallest counties would receive grants of \$50,000. These grants assist counties in planning for the new juvenile offender population. The competitive grant would be allocated based on the needs of the individual counties in preparing for the new juvenile offender population. This would include the development of new programs for the more difficult offenders. Since the majority of the funds were to be allocated on a competitive basis, it is not clear what portion of these grants Los Angeles County might have received. In the Governor's veto message, he explained that the reductions were necessary to build up the reserve in light of the fiscal uncertainties facing the State in the budget year.

### **Probation Department Concerns**

The Probation Department's concern is focused primarily on the problems of implementing legislation that takes effect on September 1, 2007 and requires development and submission of a County plan by January 1, 2008 to the CSA. The Department is working with the Chief Probation Officers of California on these concerns. Given the Governor's reservations about the assignment of this authority to the CSA and Probation's reservations about this timeframe, **the date for submission of the Plan should be delayed.**

If these dates are not amended, the Department indicates that there is ambiguous language that needs to be clarified to facilitate implementation. Specifically, the Department notes that a provision of SB 81 defining those wards of the juvenile court which will no longer be accepted by the Division of Juvenile Justice (DJJ) is ambiguous and too limited. SB 81 only authorizes wards whose most recent offense in any petition filed is a 707(b) offense or is for a sex offense to be accepted by DJJ. **The language should be clarified to authorize acceptance of these wards if one of the offenses in an open matter before the court is a 707(b) offense, whether or not it is the most recent offense in time.**

A provision intended to allow the counties to request that certain non-707(b) wards be recalled early from DJJ does not specify who is authorized to make the request to the court to consider the recall. Therefore, it appears the court would need to consider requests from any interested party. **The provision should be amended to authorize only probation departments to make the request.**

The provisions intended to result in non-707(b) offenders who are paroled from DJJ institutions (or whose parole is revoked) being returned to counties for an alternative disposition, presumably probation, are unclear and indicate that counties will provide parole supervision rather than probation supervision. **The language regarding counties supervising parole should be deleted and language authorizing an alternative disposition should be substituted.**

The bill does not address the responsibilities, housing, transportation and funding involved in the returning of DJJ wards to the local courts for the new dispositions. **These items and the process for implementation should be spelled out in clean-up legislation which does not adversely affect the County.**

The Probation Department, Chief Probation Officers of California, our Sacramento advocates, other affected County departments, and involved associations continue to work with the State on clean-up legislation and implementation.

#### **Pursuit of Position on Legislation**

Budget Trailer Bill SB 88 makes statutory changes necessary to implement areas of the FY 2007-08 State Budget related to Proposition 1B, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006.

Specifically, SB 88: 1) appropriates an additional \$350 million to the local streets and roads program; 2) clarifies the formula used by the State Controller to allocate funds for the Public Transportation, Modernization, Improvement, and Service Enhancement Account; 3) specifies the allocation formula for the Transit System Safety, Security, and Disaster Response Account; 4) establishes the Goods Movement Emission Reduction Program for the distribution of Proposition 1B air quality funds; 5) specifies the distribution methodology for the California Clean Schoolbus Program; and 6) includes an urgency clause. This measure was signed by the Governor on August 24, 2007.

Article 10 of SB 88 provides for counties and cities to receive funding in FY 2007-08 from the Local Street and Road Improvement, Congestion Relief, and Traffic Safety Account of Proposition 1B, known as the LSR Program. In addition, Article 10 outlines accountability requirements for local agencies' expenditure of LSR Program funds and designates the Department of Finance as the State Agency responsible for oversight of the program. However, Article 1 of SB 88 states that the State Controller shall be the administrative agency over the LSR Program.

The Department of Public Works (DPW) indicates that this oversight is unnecessary and results in different reporting requirements by the two State agencies. DPW states that the State Controller's reporting requirements in Article 1 are significantly more onerous than the Department of Finance requirements in Article 10. The Governor's signing message indicated that the legislation contained a drafting error and called for the Legislature to quickly enact corrective legislation to resolve the conflicting reporting requirements. DPW agrees with the Governor's recommendation to ensure that only the simplified reporting requirements listed under Article 10 of SB 88 are applied to the LSR Program by deleting Section 8879.50(c)(2) of SB 88 which would require duplicative reporting to the State Controller. Consistent with existing County policy to support proposals to streamline and expedite the transportation planning and development process, **our Sacramento advocates will support legislation to delete the State Controller's reporting requirements.** At this time, no legislation has been introduced to resolve this issue. We will inform your Board when an existing bill is amended.

#### **Status of County Advocacy Legislation**

**County-opposed AB 81 (Torrico)**, was amended to extend the timeframe to safely surrender a newborn from 21 days to seven days, and passed the Assembly Appropriations Committee's Suspense File on August 30, 2007 by a vote of 14 to 2. AB 81 now proceeds to the Assembly Floor.

**County-supported AB 98 (Niello)**, which would require the State to pay 50 percent of the wages for CalWORKs participants engaged in subsidized employment, passed the Senate Appropriations Committee on August 30, 2007, by a vote of 16 to 0, and it now proceeds to the Senate Floor.

**County-sponsored AB 223 (Runner)**, which would allow those called to active military duty on short notice to cast absentee ballots in elections was approved by the Senate on August 27, 2007. The bill was then returned to the Assembly for concurrence with Senate amendments, where the Assembly accepted the Senate amendments by a vote of 62 to 0. This measure now proceeds to the Governor's Desk.

**County co-sponsored AB 1062 (Ma)**, which would require the California Department of Social Services to establish a Statewide work-support rental subsidy pilot program to help CalWORKs families avoid homelessness and find and maintain employment, was held in the Senate Appropriations Committee suspense file on August 30, 2007 and it is now a two-year bill.

**County-supported AB 1382 (Leno)**, which would eliminate the fingerprint imaging requirement for Food Stamp-only applicants and maintain the requirement for the CalWORKs and General Relief applicants with Food Stamps, passed the Senate

Appropriations Committee on August 30, 2007 by a vote of 9 to 7, and it now proceeds to the Senate Floor.

**County-supported SB 474 (Kuehl)**, which would create the South Los Angeles Medical Services Preservation Fund of up to \$100 million annually that would be provided to the County for the preservation of healthcare services to the South Los Angeles County population formerly served by MLK-Harbor Hospital, unanimously passed the Assembly Appropriations Committee on August 30, 2007 by a vote of 17 to 0, and it now proceeds to the Assembly Floor.

**County-sponsored SB 959 (Romero)**, which would authorize boards of supervisors to permit involuntary home detention with electronic monitoring when faced with jail overcrowding, was approved on the Assembly Floor on August 30, 2007 by a vote of 61 to 1. SB 959 now returns to the Senate for concurrence of the Assembly amendments.

#### **Legislation of County Interest**

**AB 1164 (DeLeon)**, which would authorize providers of licensed family child care and license-exempt child care to select a provider organization to negotiate the terms of child care services, passed the Senate Appropriations Committee on August 30, 2007 by a vote of 10 to 7, and it now proceeds to the Senate Floor.

We will continue to keep you advised.

WTF:GK  
MAL:DD:IGA:acn

c: All Department Heads  
Legislative Strategist  
Local 721  
Coalition of County Unions  
California Contract Cities Association  
Independent Cities Association  
League of California Cities  
City Managers Associations  
Buddy Program Participants